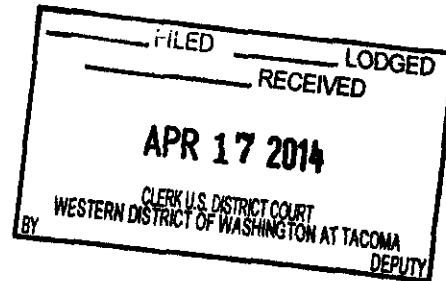


1 Honorable Ronald B. Leighton
2
3



4 12-CV-06027-ORD
5
6



7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA
11
12

13 CLAUDIA R.D. CLAVETTE,
14
15 Plaintiff,

16 vs.
17
18

19 SKAMANIA COUNTY SHERIFF,
20
21 Defendants.

22 No. 3:12-cv-06027-RBL
23

24 [PROPOSED] ORDER GRANTING
25 DEFENDANT SKAMANIA COUNTY
26 SHERIFF'S MOTION FOR JUDGMENT
27 ON THE PLEADINGS PURSUANT TO
28 FED.R.CIV.P. 12(C)

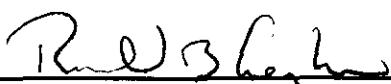
29
30 THIS MATTER is before the Court on Defendant Skamania County's Motion for
31 Judgment on the Pleadings pursuant to Fed. Rule Civ. P. 12(c). Skamania County Sheriff
32 asserts plaintiff has not stated a claim which entitles her to relief as required by Fed. Rule Civ.
33 Proc. 8(a). On April 7, 2009, a search warrant which was later ruled unlawful was executed by
34 Washington Department of Fish and Wildlife, and several items of plaintiff's property were
35 confiscated. Although plaintiff's property was returned on February 11, 2010, she claims that
36 the property was damaged while it was in the custody of the Washington Department of Fish
37 and Wildlife. Plaintiff filed her Complaint on December 5, 2012, although permission to
38 proceed was not granted until March 1, 2013.

39
40 [PROPOSED] ORDER GRANTING DEFENDANT SKAMANIA COUNTY
41 SHERIFF'S MOTION FOR JUDGMENT ON THE PLEADINGS PURSUANT TO
42 FRCP 12(C) – PAGE 1
43 CAUSE NO. 3:12-cv-06027-RBL
44 1053974 / 1615.0009

45 FORSBERG & UMLAUF, P.S.
46 ATTORNEYS AT LAW
47 ONE N. TACOMA AVE. • SUITE 200
48 TACOMA, WASHINGTON 98403
49 (253) 572-4200 • (253) 627-8408 FAX

1 This Court has already granted two motions to dismiss because they are time-barred by
2 the lack of limitations. This Court notes once more that in this district, § 1983 claims are
3 subject to the Wash. Rev. Code § 4.16.080(2)'s three-year limitations period. *See Bagley v.*
4 *CMC Real Estate Corp.*, 923 F.2d 758, 760 (9th Cir. 1991). The period begins tolling when
5 "the plaintiff knows or has reason to know of the injury." *Two Rivers v. Lewis*, 174 F.3d 987,
6 991 (9th Cir. 2008). Clavette's claims are subject to a 3 year limitations period. Plaintiff's
7 claims are time-barred and Skamania County Sheriff's for Judgment on the Pleadings is
8 GRANTED in favor of Skamania County Sheriff. Plaintiff's claims against Skamania County
9 Sheriff are DISMISSED WITH PREJUDICE.

10
11 Dated this 17th day of April, 2014.

12 
13 RONALD B. LEIGHTON
14 UNITED STATES DISTRICT JUDGE